

REMARKS

Amendments to the Claims

Claims 1, 4-5, 7-9, 11, 14-25 and 27-31 remain in this application.

In the Office Action dated October 29, 2009, claims 1, 5, 8, 11, 15-25 and 27-29 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 3,605,837 to Lambert et al. in view of U.S. Patent No. 3,797,343 to Miller et al. and claims 4, 7, 9 14, 30 and 31 were objected to as being dependent upon a rejected base claim, but were described as being allowable if rewritten in independent form.

Applicants have amended claim 1 to describe more distinctly the subject matter being claimed. Specifically claim 1 has been amended to require that wherein the first cutting element, the axle, the housing and the bearing block are configured such that a cutting edge of the disc is exposed beyond the end of the bearing block distal to the housing for only a part of the eccentric rotation, and the cutting element is exposed beyond the housing for the part of the eccentric rotation. This amendment is supported by FIGS. 3A-3D, for example.

In view of the amendment and the remarks that follow, Applicants respectfully assert that the claims are in a condition for allowance.

Patentability of Claim 1

Claim 1 requires: (1) a housing; (2) a bearing block attached to an end of the housing; (3) a first cutting element, the first cutting element being an eccentric disc rotatably connected to the bearing block by an axle, wherein the first cutting element is configured to rotate eccentrically, and (4) a drive mechanism adapted to be mounted at least partly within the housing and operatively connected to the first cutting element for providing torque about the axle of the first cutting element; (5) wherein the first cutting element, the axle, the housing and the bearing block are configured such that a cutting edge of the disc is exposed beyond the end of the bearing block distal to the housing for only a part of the eccentric rotation, and the cutting element is exposed beyond the housing for the part of the eccentric rotation. In summary, in the claimed configuration, the cutting edge of the cutting element extends beyond both the housing and the bearing block for part of the rotation of the cutting element. For example, see Applicants' Figs. 3-10.

In the Office Action, the Examiner states that Lambert et al. fails to disclose a housing as claimed by Applicants in claim 1. The Examiner goes on to state that Miller et al. discloses a housing in the form of safety cover 181. However, Applicants respectfully point out that the safety cover 181 in

Miller et al. differs from the housing of the present invention as follows. The blade 27 in Miller et al. is NOT exposed beyond the safety cover during any part of the blade's rotation. When slicing the bar 43, the bar is introduced to the blade 27 within the safety cover 181 – the blade does NOT reach beyond the safety cover. See Miller et al. Figs. 1 and 12, col. 6, lines 35-52, col. 10, line 44 through col. 11, line 65, and col. 12, lines 41-42. In contrast, in the claimed configuration of Applicants' claim 1, the cutting edge of the cutting element is exposed beyond the housing. In conclusion, the housing of claim 1 is not disclosed by either Lambert et al. or Miller et al.

In view of the above remarks, Applicants respectfully assert that claim 1 and dependent claims are allowable over the cited art.

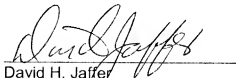
CONCLUSION

Applicants have explained the differences between the claims and the cited references, and believe the claims are in condition for allowance.

If any further questions should arise prior to a Notice of Allowance, the Examiner is invited to contact the attorney at the number set forth below.

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Respectfully submitted,



David H. Jaffer
Reg. No. 32,243
Customer No. 27498

PILLSBURY WINTHROP SHAW PITTMAN LLP
Intellectual Property Group
P. O. Box 10500
McLean, VA 22102
Tel. No. (650) 233-4510
Fax No. (703) 770-7901